

65 - INDEPENDENT AGENCIES - REGULATORY

407 - PUBLIC UTILITIES COMMISSION

CHAPTER 212 – MAINE PUBLIC UTILITIES COMMISSION, Rulemaking for Exemption of Competitive Telecommunications Carriers From Certain Filing and Approval Requirements (Chapter 212)

SUMMARY: This rule exempts Competitive LECs and Competitive IXC's from Title 35-A M.R.S.A. §§ 504(2), 901-904, 907, 908, 910, 911, 1101, and 1103.

§1. DEFINITIONS

As used in this Chapter, the following words and phrases shall have the following meanings:

A. Competitive Interexchange Carrier (CIXC). A competitive interexchange carrier" or "CIXC" is an interexchange carrier that is not also an Incumbent Local Exchange Carrier (ILEC).

B. Competitive Local Exchange Carrier (CLEC). A "competitive local exchange carrier" or "CLEC" is any local exchange carrier (LEC) that is not an incumbent local exchange carrier (ILEC).

C. Incumbent Local Exchange Carrier (ILEC). "Incumbent local exchange carrier" or "ILEC" means a local exchange carrier or its successor that provided local exchange service in a defined service territory in Maine on February 8, 1996 or that is designated as an ILEC pursuant to 47 U.S.C. § 251(h)(2).

D. Interexchange carrier (IXC). An "interexchange carrier" or "IXC" is any person, association, corporation, or other entity that provides intrastate interexchange telecommunications services, including a local exchange carrier that provides interexchange service.

§2. EXEMPTION FROM SECTION 504(2)

CLECs that do not receive state universal service funding under Chapter 288 and all CIXCs shall be exempt from those requirements of Title 35-A § 504(2) that direct them to take and file balance sheet information when their accounts are closed. This exemption does not apply to the other information required by Section 504(2).

§3. EXEMPTION FROM REQUIREMENTS IN CHAPTER 9

CLECs that do not receive state universal service funding under Chapter 288 and all CIXCs shall be exempt from the requirements of Title 35-A M.S.R.A. §§ 901-904, 907, 908, 910, and 911.

§4. EXEMPTIONS FROM REQUIREMENTS IN CHAPTER 11

CLECs that do not receive state universal service funding under Chapter 288 and all CIXCs shall be exempt from the requirements of Title 35-A M.S.R.A. §§ 1101 and 1103.

§5. REVOCATION OF EXEMPTIONS

For good cause, the Commission may revoke any exemption granted pursuant to this Chapter. In determining whether good cause exists, the Commission may consider, but is not limited to considering, the following:

- A. The CLEC or CIXC's market share; and
- B. The stability of the current telephone markets.

BASIS STATEMENT: The factual and policy basis for this rule is set forth in the Commission's Order Adopting Rule, Docket No. 2002-598, issued on July 9, 2003. Copies of the Statement and Order have been filed with this rule at the Office of the Secretary of State. Copies may also be obtained from the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

AUTHORITY: 35-A M.R.S.A. §§ 507, 912, 1105.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on July 16, 2003. It was filed with the Secretary of State on July 17, 2003 and will be effective on July 22, 2003.